

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 283 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3       "SECTION 1. IC 36-8-16-3 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) As used in this  
5 chapter, "exchange access facility" means the access from a particular  
6 service user's premises to ~~a~~ **an enhanced emergency** telephone system  
7 **through the use of telephone exchange service (as defined in 47**  
8 **U.S.C. 153(47)).**  
9       (b) The term includes **all telecommunications equipment (as**  
10 **defined in 47 U.S.C. 153(45)) used to provide telephone exchange**  
11 **service by wire communication (as defined in 47 U.S.C. 153(52)),**  
12 **regardless of whether the equipment is part of a cable system (as**  
13 **defined in 47 U.S.C. 522(7)).**  
14       ~~(1) an access line;~~  
15       ~~(2) a private branch exchange (PBX) trunk; and~~  
16       ~~(3) a centrex line trunk equivalent;~~  
17 ~~that is provided by the service supplier. The term also includes a mobile~~  
18 ~~telephone system access trunk, whether the trunk is provided by a~~  
19 ~~telephone company or a radio common carrier.~~  
20       (c) The term does not include:  
21       (1) a service supplier owned and operated telephone pay station  
22 line;  
23       (2) a wide area telecommunications service (WATS) line;  
24       (3) a foreign exchange (FX) line; or  
25       (4) an incoming only line.

SECTION 2. IC 36-8-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this chapter, "service supplier" means a person who provides ~~exchange~~ telephone ~~exchange~~ service **(as defined in 47 U.S.C. 153(47)) over the person's exchange access facility** to a service user.

(b) As used in this chapter, "service user" means a person to whom ~~exchange~~ telephone ~~exchange~~ service is provided **by a service supplier.**

SECTION 3. IC 36-8-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) ~~The person A~~ **service user** who uses an exchange access facility **to receive telephone exchange service (as defined in 47 U.S.C. 153(47)) from a service supplier** is liable for the monthly enhanced emergency telephone system fees, if any, imposed with respect to that facility. Each service supplier shall, on behalf of the unit, collect the fee from those service users to whom it provides ~~exchange~~ telephone ~~exchange~~ service in the unit. The service supplier shall collect the fee, for each month or part of a month an exchange access facility is in service, as part of its normal monthly billing process, and it may list the fee as a separate entry on each bill. If a service supplier receives a partial payment from a service user, the service supplier shall apply the payment against the amount the service user owes the service supplier first.

(b) During January of each year, each service supplier that is required to collect the fee for a particular unit shall provide the treasurer of the county or the fiscal officer of the municipality with a delinquent fee report. In a county having a consolidated city, each service supplier that is required to collect the fee shall provide the delinquent fee report to the fiscal officer of the consolidated city. On the report, the service supplier shall list the name and address of each service user who is two (2) or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable.

(c) A service supplier has no obligation to take any legal action to enforce the collection of the fees for which any service user is liable. However, an action may be initiated by the unit that imposed the fees.

(d) Notwithstanding section 5 of this chapter, if one (1) enhanced emergency telephone system serves exchange access facilities in more than one (1) county, the fiscal body of the county that provides the system may adopt an ordinance imposing the enhanced emergency telephone system fee on each ~~person~~ **service user** who uses an exchange access facility served by the system. The fee may be imposed under this subsection without regard to whether the service user resides in the county providing the system.

(e) Before an enhanced emergency telephone system fee may be imposed on a service user who resides in a county other than the county providing the system, the fiscal body of the county providing the system must obtain the written approval of the fiscal body of each

1 county in which residents will be subject to the fee. A ~~person~~ **service**  
2 **user** who uses an exchange access facility is liable for the monthly  
3 enhanced emergency telephone system fee imposed with respect to the  
4 exchange access facility."

5 Renumber all SECTIONS consecutively.  
(Reference is to ESB 283 as printed February 17, 2006.)

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Representative Ruppel